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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------|------------------|
| 10/034,897  | 12/28/2001  | John Barker          | 1662-54800 (P01-3626) | 1589             |
| 23505   | 7590        | 05/13/2005           | EXAMINER              |                  |
| CONLEY ROSE, P.C.<br>P. O. BOX 3267<br>HOUSTON, TX 77253-3267 |             |                      | SCHUBERT, KEVIN R     |                  |
|   |             |                      | ART UNIT              | PAPER NUMBER     |
|   |             |                      | 2137                  |                  |

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/034,897

Applicant(s)

BARKER, JOHN

Examiner

Kevin Schubert

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

Claims 1-29 have been considered.

#### ***Claim Rejections - 35 USC § 112***

5           The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10           Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, because the claims recite the limitation "the video image". There is insufficient antecedent basis for this limitation in the claims. The claims depend on claim 16, which depends on claim 14, neither of which recite a video image limitation. The examiner believes claims 7 and 8 should depend on claim 6. Appropriate correction is required.

15

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

20           (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States  
25           only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

30           Claims 1-5,10-18, and 23-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Thomas, U.S. Patent Application Publication No. 2002/0107942.

As per claims 1,12,14,25, and 28, the applicant describes a method of accessing a website comprising the following limitations which are met by Thomas:

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a) entering a mnemonic on an electronic device, the mnemonic being representative of the web site, but not being a uniform resource location ("URL") for the website ([0021],[0026]);

b) converting the mnemonic to a URL ([0022]);

c) using the URL to access the website ([0025]).

5

As per claims 2-4 and 15-17, the applicant describes the method of claims 1 and 14, which are met by Thomas, with the following limitation which is also met by Thomas:

Wherein (a) includes speaking the mnemonic into a microphone ([0021]).

10

As per claims 5,18, and 26-27, the applicant describes the method of claims 4,17, and 25, which are met by Thomas, with the following limitation which is also met by Thomas:

Wherein the audio stream includes an audio identifier indicating the presence of the mnemonic ([0028]).

15

As per claims 10 and 23, the applicant describes the method of claims 1 and 14, which are met by Thomas, with the following limitation which is also met by Thomas:

Wherein (b) includes transmitting the mnemonic to an on-line conversion service which finds a URL associated with the mnemonic ([0025]).

20

As per claims 11 and 24, the applicant describes the method of claims 10 and 23, which are met by Thomas, with the following limitation which is also met by Thomas:

Wherein the mnemonic is an audio signal and transmitting the mnemonic includes transmitting a digital representation of the audio signal to the on-line service ([0021]).

25

As per claim 13, the applicant describes the method of claim 12, which is met by Thomas, with the following limitation which is also met by Thomas:

Further including storing said mnemonic and said URL at said conversion service ([0024]).

As per claim 29, the applicant describes the server of claim 28, which is met by Thomas, with the following limitation which is also met by Thomas:

Wherein said processor provides a URL associated with the mnemonic to said entity ([0025]).

5

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

10

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15

Claims 6-9 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas in view of Hudetz, U.S. Patent No. 6,199,048.

20

As per claims 6 and 19, the applicant describes the method of claims 1 and 14, which are met by Thomas, with the following limitation which is met by Hudetz:

Wherein the mnemonic comprises a video image (Hudetz: Col 3, lines 16-36);

Thomas discloses all the limitations of claims 1 and 14. However, Thomas discloses that the mnemonic is a sound recorded from a microphone instead of a video image.

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Hudetz discloses a similar mnemonic to URL service in which the mnemonic is a video image, like a barcode, which is scanned in to find a matching URL. Combining Hudetz with Thomas would simply mean that the scanned in barcode mnemonic is the input instead of a sound recorded by a microphone. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Hudetz with those of Thomas because doing so allows the mnemonic to be a video image and not just a sound.

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As per claims 7 and 20, the applicant describes the method of claims 14 and 19, which are met by Thomas, with the following limitation which is met by Hudetz:

Wherein the video image is a still image (Hudetz: Col 3, lines 16-36).

5 As per claims 8 and 21, the applicant describes the method of claims 14 and 19, which are met by Thomas, with the following limitation which is met by Hudetz:

Wherein the video image is a moving image (Hudetz: Col 3, lines 16-36).

The barcode is a moving image as it is waved up to the scanner.

10 As per claims 9 and 22, the applicant describes the method of claims 1 and 14, which are met by Thomas, with the following limitation which is met by Hudetz:

Wherein the mnemonic comprises an alphanumeric character string (Hudetz: Col 5, lines 3-5).

Any inquiry concerning this communication or earlier communications from the examiner should  
15 be directed to Kevin Schubert whose telephone number is (571) 272-4239. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

20 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)  
25 at 866-217-9197 (toll-free).



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